

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**KRISTINA JACQUELINE SCHOECK**  
1733 Tesara Vista Place  
Las Vegas, NV 89128

Registered Nurse License No. **617985**

Respondent

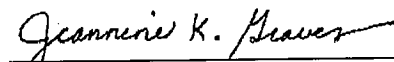
Case No. 2011-571

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **April 4, 2011.**

IT IS SO ORDERED **April 4, 2011.**

  
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President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
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7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-571

13 **KRISTINA JACQUELINE SCHOECK**  
1733 Tesara Vista Place  
Las Vegas, NV 89128

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

14 **Registered Nurse License No. 617985**

15 Respondent.

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of  
21 Registered Nursing. She brought this action solely in her official capacity and is represented in  
22 this matter by Kamala D. Harris, Attorney General of the State of California, by Anahita S.  
23 Crawford, Deputy Attorney General.

24 2. Kristina Jacqueline Schoeck (Respondent) is representing herself in this proceeding  
25 and has chosen not to exercise her right to be represented by counsel.

26 3. On or about April 30, 2003, the Board of Registered Nursing issued Registered Nurse  
27 License No. 617985 to Kristina Jacqueline Schoeck. The Registered Nurse License was in full  
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1 force and effect at all times relevant to the charges brought in Accusation No. 2011-571 and will  
2 expire on January 31, 2013, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2011-571 was filed before the Board of Registered Nursing (Board),  
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
6 and all other statutorily required documents were properly served on Respondent on December  
7 23, 2010. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of  
8 Accusation No. 2011-571 is attached as Exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in  
11 Accusation No. 2011-571. Respondent also has carefully read, and understands the effects of this  
12 Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of her legal rights in this matter, including the right to a  
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at  
15 her own expense; the right to confront and cross-examine the witnesses against her; the right to  
16 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to  
17 compel the attendance of witnesses and the production of documents; the right to reconsideration  
18 and court review of an adverse decision; and all other rights accorded by the California  
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
21 every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation  
24 No. 2011-571, agrees that cause exists for discipline and hereby surrenders her Registered Nurse  
25 License No. 617985 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation she enables the Board to issue  
27 an order accepting the surrender of her Registered Nurse License without further process.  
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CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 617985, issued to Respondent Kristina Jacqueline Schoeck, is surrendered and accepted by the Board of Registered Nursing.

14. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent.

1 This stipulation constitutes a record of the discipline and shall become a part of Respondent's  
2 license history with the Board.

3 15. Respondent shall lose all rights and privileges as a Registered Nurse in California as  
4 of the effective date of the Board's Decision and Order.

5 16. Respondent shall cause to be delivered to the Board her wall license certificate, if one  
6 was issued, and her pocket license on or before the effective date of the Decision and Order.

7 17. If Respondent ever files an application for licensure or a petition for reinstatement in  
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
9 comply with all the laws, regulations and procedures for reinstatement of a revoked license in  
10 effect at the time the petition is filed, and all of the charges and allegations contained in  
11 Accusation No. 2011-571 shall be deemed to be true, correct and admitted by Respondent when  
12 the Board determines whether to grant or deny the petition.

13 18. Upon reinstatement of the license, Respondent shall pay to the Board costs associated  
14 with its investigation and enforcement pursuant to Business and Professions Code section 125.3  
15 in the amount of \$682.50. Respondent shall be permitted to pay these costs in a payment plan  
16 approved by the Board.

17 19. If Respondent should ever apply or reapply for a new license or certification, or  
18 petition for reinstatement of a license, by any other health care licensing agency in the State of  
19 California, all of the charges and allegations contained in Accusation, No. 2011-571 shall be  
20 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of  
21 Issues or any other proceeding seeking to deny or restrict licensure.

22 20. Respondent shall not apply for licensure or petition for reinstatement for two (2)  
23 years from the effective date of the Board of Registered Nursing's Decision and Order.

24 21. Respondent shall pay the Board its costs of investigation and enforcement in the  
25 amount of \$682.50 prior to issuance of a new or reinstated license.

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DATED: 21 Jan 2011

## ENDORSEMENT

February 14  
Dated: ~~January 3~~, 2011  
ASC

KAMALA D. HARRIS  
Attorney General of California  
JANICE K. LACHMAN  
Supervising Deputy Attorney General

**Stipulated Surrender of License (Case No. 2011-571 )**

**Exhibit A**

**Accusation Case No. 2011-571**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 ANAHITA S. CRAWFORD  
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Case No. **2011-571**

13 **KRISTINA JACQUELINE SCHOECK**  
1733 Tesara Vista Place  
14 Las Vegas, NV 89128  
15 Registered Nurse License No. 617985

**A C C U S A T I O N**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
21 Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about April 30, 2003, the Board issued Registered Nurse License Number  
24 617985 to Kristina Jacqueline Schoeck ("Respondent"). The registered nurse license was in full  
25 force and effect at all times relevant to the charges brought herein and will expire on January 31,  
26 2013, unless renewed.

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28 ///



## JURISDICTION

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

## STATUTORY PROVISIONS

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

...

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substances as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

1 (b) Use any controlled substance as defined in Division 10 (commencing  
2 with Section 11000) of the Health and Safety Code, or any dangerous drug or  
3 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or  
4 in a manner dangerous or injurious to himself or herself, any other person, or the  
5 public or to the extent that such use impairs his or her ability to conduct with safety to  
6 the public the practice authorized by his or her license.

7 (c) Be convicted of a criminal offense involving the prescription,  
8 consumption, or self-administration of any of the substances described in  
9 subdivisions (a) and (b) of this section, or the possession of, or falsification of a  
10 record pertaining to, the substances described in subdivision (a) of this section, in  
11 which event the record of the conviction is conclusive evidence thereof.

#### 12 COST RECOVERY

13 7. Code section 125.3 provides, in pertinent part, that the Board may request the  
14 administrative law judge to direct a licensee found to have committed a violation or violations of  
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
16 enforcement of the case.

#### 17 FIRST CAUSE FOR DISCIPLINE

##### 18 (Out-of-State Discipline)

19 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4),  
20 on the grounds of unprofessional conduct, in that Respondent has been disciplined by the State  
21 Board of Nursing, State of Colorado ("Colorado Board"). Effective June 30, 2008, pursuant to  
22 the Stipulation and Final Agency Order in Case No. 2008-002465, executed by Respondent,  
23 Respondent relinquished her Colorado Professional Nurse License Number 126022 with the full  
24 force and effect of a revocation ordered by the Colorado Board. The basis for discipline includes  
25 the following admissions by Respondent:

26 a. Pursuant to Boulder County Case No. 05CR1777, Respondent has been charged with  
27 theft, a class 4 felony. An arrest warrant was outstanding.

28 b. Pursuant to Jefferson County Case No. 05CR2214, Respondent has been charged  
with unauthorized use of a financial transaction device \$500-\$15,000, a class 5 felony.  
Respondent is alleged to have taken a former roommate's credit card and made seven (7) ATM  
withdrawals totaling \$1,300 without the roommate's permission. An arrest warrant was  
outstanding.

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1 c. Pursuant to Pitkin County Case Arrest Warrant No. CR05A000909, Respondent is  
2 alleged to have stolen cash, clothing, a credit card, and a credit card check without the owner's  
3 permission, from a home where Respondent was a guest. An arrest warrant was outstanding.

4 d. On or about January 23, 2008, Respondent participated in a pre-employment urine  
5 drug screen, which tested positive for the controlled substance Cocaine.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Criminal Conviction)**

8 9. Respondent is subject to discipline pursuant to Code section 2761, subdivision (f), in  
9 that on February 23, 2010, in the Superior Court, County of Los Angeles, California, in the matter  
10 entitled *People vs. Kristina Jacqueline Schoeck*, (2010), Case No. 0MP00459, Respondent was  
11 convicted by the court following her plea of nolo contendere to a violation of Vehicle Code  
12 section 23152, subdivision (b) (driving with a blood alcohol level of .08% or more), a  
13 misdemeanor. The circumstances of the crime are that on or about November 25, 2009,  
14 following a traffic stop, Respondent was arrested for driving under the influence of alcohol and  
15 driving with a blood alcohol level of .08% or more. Respondent's blood alcohol measured a  
16 .10%.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Criminal Conviction Involving the Consumption of Alcohol)**

19 10. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on  
20 the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (c), in that  
21 Respondent has been convicted of a crime involving the consumption of alcohol, as more  
22 particularly set forth in paragraph 9, above.

23 **FOURTH CAUSE FOR DISCIPLINE**

24 **(Self-Administer the Controlled Substance Cocaine)**

25 11. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on  
26 the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (a), in that  
27 on or about January 23, 2008, Respondent self-administered the controlled substance Cocaine, as  
28 more particularly set forth in paragraph 8, subparagraph d, above.

**FIFTH CAUSE FOR DISCIPLINE**

**(Use Alcohol to an Extent or an a Manner Dangerous or Injurious)**

12. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b), in that on or about November 25, 2009, Respondent used alcohol to an extent or in a manner dangerous or injurious to herself or others, as more particularly set forth in paragraph 9, above.

**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 617985, issued to Kristina Jacqueline Schoeck;

2. Ordering Kristina Jacqueline Schoeck to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

*12/23/10*

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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